

Amendment No. 39 to SB7001

Ketron
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 7001*

House Bill No. 7001

by adding the following language as new, appropriately designated section:

SECTION __. It is the intent of the general assembly that:

(1) The campaign finance regulation program which was administered by the registry of election finance shall be transferred to, and administered and enforced by, the Tennessee ethics commission on or after October 1, 2006.

(2) All staff, including the current executive director, staff positions, except the position of executive director, equipment, supplies, property, funds and other resources of the registry shall be transferred to the Tennessee ethics commission.

(3) References to the registry of election finance relative to campaign finance regulation appearing in Tennessee Code Annotated shall be deemed to be references to the Tennessee ethics commission. The code commission is directed to change references to the existing names of officials, offices, agencies, and entities, wherever they appear in Tennessee Code Annotated, to conform to the name of officials, offices, agencies, and entities created by the provisions of this act. The code commission is authorized to make grammatical changes in the provisions of Tennessee Code Annotated to effectuate such changes.

(4) All contracts or leases entered into prior to October 1, 2006 by the registry of election finance with any entity, corporation, agency, enterprise or person shall continue in full force and effect as to all essential terms and conditions of the contracts in existence on October 1, 2006 as if such contracts had been entered into by and between such entity, corporation, agency, enterprise or person and the Tennessee ethics commission, unless or until such

contracts or leases are amended or modified by the parties to such contracts or leases.

(5) All rules, policies, and decisions promulgated or issued by the registry of election finance prior to, and in effect on, October 1, 2006, shall remain in force and effect and shall be administered and enforced by the Tennessee ethics commission until duly amended, repealed, expired, modified, or superseded.

(6) The transfer of the functions and activities of the registry of election finance shall not, because of the transfer, result in any employee suffering loss of employment, compensation, benefits, or civil service status. Such rights, benefits and compensation shall continue without any impairment, interruption, or diminution; provided, the commission may engage in disciplinary actions or reductions in force as provided for in law. The commissioner of personnel is authorized to enforce this section and shall determine that the rights, benefits, and compensation are not impaired, interrupted, or diminished. Also, any employee aggrieved by any impairment in violation of this section shall have the right to seek redress through the grievance procedure established in § 8-30-328.

AND FURTHER AMEND by adding the following language as a new, appropriately designated section:

SECTION___. Tennessee Code Annotated, Section 4-29-230(a), is amended by deleting subdivision (44) in its entirety.

AND FURTHER AMEND by deleting designated Section 3-6-104 in SECTION 24 and by substituting instead the following language as a new Section 3-6-104:

(a) The Tennessee ethics commission shall appoint a full-time executive director who shall serve at the pleasure of the commission. The executive director may appoint a division director of campaign finance and a division director of ethics who shall be subject to the approval of the commission. Other staff positions shall be appointed by the executive director. The commission may call on the department of state for such advice, documents or services as it may require.

(b) Duties related to the administration and enforcement of campaign finance laws shall be performed by the division of campaign finance and duties related to the administration and enforcement of ethics laws, including financial disclosures and lobbyist regulation, shall be performed by the division of ethics.

(c) Employees of the commission shall not have career service status, but such employees shall be subject to personnel policies applicable to state employees generally, such as leave, compensation, classification and travel requests.

AND FURTHER AMEND by adding the following language as a new, appropriately designated section:

SECTION ____.

(a) Tennessee Code Annotated, Section 2-10-108, is amended by deleting the section in its entirety and by substituting instead the following language:

§2-10-108.

(a) A complaint may be filed pursuant to the provisions of the section designated as Section 3-6-201 in SECTION 25, alleging that a statement filed does not conform to law, is false, or that a person has failed to file a statement required by law.

(b) Notwithstanding the provisions of subsection (a) and any other provision of law to the contrary, all sworn complaints on a statement of a candidate for local public office or a political campaign committee for such candidate shall be filed in the office of the district attorney general serving the judicial district in which the candidate resides.

(c) Any person who files a sworn complaint which is false or for the purpose of harassment is subject to the civil penalties imposed by the section designated as Section 2-10-110 in SECTION 6 of this act.

(b) This section shall take effect October 1, 2006.

AND FURTHER AMEND by adding the following language as a new appropriately designated section:

SECTION ____.

(a) Tennessee Code Annotated, Title 2, Chapter 10, Part 2, is amended by deleting §§ 2-10-201, 2-10-203, 2-10-204, 2-10-209, and 2-10-210 in their entirety and by redesignating the remaining sections in Part 2 accordingly.

(b) This section shall take effect October 1, 2006.

AND FURTHER AMEND by deleting subsection (e) of the section designated 3-6-105 in its entirety.

AND FURTHER AMEND by deleting the language "February 1" from subdivision (a)(10) of the section designated Section 3-6-106 in SECTION 24 and by substituting instead the language "January 15".

AND FURTHER AMEND by deleting the last sentence of subsection (a) beginning "If the commission has referred the complaint to the registry of election finance," in the section designated Section 3-6-203 in SECTION 25.